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**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

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1300 I STREET, NW
WASHINGTON DC 20005

In re application of:

Takafumi Ito

Application No. 09/748,857

Filed: December 28, 2000

For: RESOURCE ALLOCATION MECHANISM IN
PACKET RADIO NETWORK

DECISION ON PETITION
TO EXPUNGE

This decision is responsive to the petition to expunge filed July 25, 2001 which is being treated as a petition under 37 CFR 1.59(b).

A grantable petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure), filed under 37 C.F.R. § 1.59(b) and in accordance with M.P.E.P. § 724.05 (II and III), may be granted provided that: (A) the Office can effect such return prior to the issuance of any patent on the application in issue; (B) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted; (C) the information has not otherwise been made public; (D) there is a commitment on behalf of the petitioner to retain such information for the period of any patent with regard to which such information is submitted; (E) it is established to the satisfaction of the Commissioner that the information to be returned is not material information under 37 CFR 1.56; and (F) the petition fee set forth in 37 C.F.R. § 1.17(i) is included.

The petition is **DISMISSED**.

Petitioner requests that a preliminary amendment filed May 23, 2001 be expunged from the record and returned to petitioner because it was inadvertently filed.

The petition is deficient because the petition does not contain: 1) a clear statement that the information was unintentionally submitted *and failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted*; 2) a clear statement that the information has not otherwise been made public; 3) a clear statement that there is a commitment on behalf of petitioner to retain such information for the period of any patent with regard to which such information is submitted; and 4) an explanation such that it can be established to the satisfaction of the Commissioner that the information to be returned is not material information under 37 CFR 1.56.

Allen MacDonald, Director
Technology Center 2600